

REMARKS

Claims 1-12 are pending in the application. Claims 4, 7 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants amended claims 4, 7 and 11 to be rewritten in independent form including all of the limitations of the base claim and any intervening claims and hence claims 4, 7 and 11 are allowable. Accordingly, Applicants respectfully request the Examiner to allow claims 4, 7 and 11.

Applicants note that claims 4, 7 and 11 were not amended to overcome prior art but to be rewritten in independent form. Hence, no prosecution history estoppel arises from the amendments to claims 4, 7 and 11. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claims 4, 7 and 11 were not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such amendments. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

Claims 1-3, 5-6, 8-10 and 12 remain rejected under 35 U.S.C. §103(a). Applicants respectfully traverse these rejections for at least the reasons stated in the response having a mailing date of November 7, 2005 and file a Notice of Appeal concurrently herewith.

CONCLUSION

As a result of the foregoing, it is asserted by Applicants that claims 1-12 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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